

REMARKS

This Application has been reviewed in light of the Office Action mailed February 27, 2003 by the Office. At the time of this Office Action, Claims 1 and 3-9 were pending in this Application, of which Claims 1 and 3-6 were rejected and Claims 7-9 were subject to restriction and/or election requirement. In order to put the Application in condition for allowance, Applicant submits herein a rebuttal to the Office's assertion of the cited and relied upon prior art reference. In view of the rebuttal made herein, the Applicant respectfully requests reconsideration in this case.

The following actions were taken or matters raised: (I) Claims 1 and 4-6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Anderson (US 3,514,902) in view of Hamilton et al (US 4,793,468) and (II) Claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Anderson (US 3,514,902) in view of Hamilton et al (US 4,793,468) as applied in Claim 1 above, and further in view of Fors (US 3,998,343).

I. Claims 1 and 3-6 Rejected under 35 U.S.C. 103(a)

It is respectfully submitted that the Office has mischaracterize the cited references. The Office asserts that it would be obvious to the skilled person to provide the trailer of Anderson with a walking floor as taught by Hamilton in order to enable the trailer to be emptied at a

remote site without having to rely on a separate piece of equipment to unload the vehicle. It is respectfully submitted that the Office is wholly wrong in this assertion.

It is clear that refuse can be ejected from the vehicle of Anderson through rear doors (col. 3, line 51) by means of operation of the "ejector panel or blade 32" (col. 3, line 42). That is to say, there is no incentive to the skilled person to adapt the trailer of Anderson by addition of a walking floor. The trailer of Anderson already allows for emptying of its contents at a remote site without additional equipment. Inclusion of a walking floor to the trailer of Anderson provides no advantages to the skilled person over the trailer disclosed in Anderson. Accordingly, the skilled person simply would not combine the disclosures of Anderson and Hamilton.

Equally, it would not have been obvious to the skilled person that the roof access door of Anderson could be placed at either end. On the contrary, if the skilled person were to contemplate placing the access roof door at the opposite end (i.e., the rear) of the trailer in Anderson, it would be obvious to the skilled person that either (i) he would be limiting the usable volume of the trailer (only that volume immediately adjacent the rear door and under the roof access door would be useable); or (ii) he would need an external comparator and compact the waste against the front internal wall (as defined in Anderson). Neither of these requirements would yield a productive or advantageous solution to the skilled person.

A trailer as constructed by the Office that has the access door adjacent the front of the trailer is limited in that it 1.) provides no means to compact waste materials against anything other than the rear doors, 2.) precludes waste from being introduced into the trailer during the compaction process (col. 4, line 38-47 in Anderson), and 3.) adds to the cycle time required to perform the compacting operation due to the access door having to be opened and closed. An advantage of the trailer of Claim 1 in the Application is that it does not exhibit the limitation of Anderson or Hamilton, in combination or individually, with respect to compaction of waste. For example, in the trailer recited in Claim 1 of the Application, waste can continue to be introduced into the trailer for at least a portion of the time that the waste compacting process is being performed (referring to text corresponding to FIGS. 9A through 9f), thus enhancing productivity and efficiency. Clearly, not exhibiting the limitations of Anderson or Hamilton, in combination or individually, represents performing the task in a different manner with different results.

Furthermore, the trailer constructed by the Office is considerably more complex and prone to servicing due to the combination of 1.) a hydraulic or pneumatic cam system, 2.) a walking floor and 3.) an actuated access door that required being closed during each compaction cycle (i.e., the combined system). Elimination of any component of the combined systems results in at least one of inoperability and a modified trailer over which the trailer recited in Claim 1 in the Application also distinguishes (in view of the trailer constructed by the Office).

Accordingly, in view of the arguments presented with respect to Claim 1, the Applicant submits that Claims 1 and Claim 3-6, which depend from Claim 1, are allowable and, therefore, respectfully requests the Office to withdraw the rejection to Claim 1 and 3-6.

II. Claim 3 Rejected under 35 U.S.C. 103(a)

As regards the rejection to Claim 3, the Applicant submits that Fors does not disclose a sheet, preferably of canvas, attached to the bottom edge of the transverse movable wall or headboard. On the contrary, it shows a wall 78 rigidly attached to a drive conveyor or belt 68. The use of a driven conveyor belt in Fors completely negates the need to use a walking floor as taught in Hamilton. They are, essentially, alternatives. The use of a powered conveyor belt would render a walking floor useless, as it would have to be located underneath the conveyor belt for the conveyor to be of any use. Fors does not disclose the additional subject matter of claim 3, nor would the skilled person contemplate combining its disclosure with Hamilton.

Furthermore, the advantages and differences associated with the sheet attached to the headboard, with respect to the cited and relied upon references, should also be understood accurately and completely. Neither the headboard nor the sheet is attached directly to a drive unit. Unlike in Anderson, waste is compacted against the headboard rather than by the headboard (i.e., the headboard disclosed in the Application is stationary during the compaction

operation). The weight of waste deposited on top of the sheet creates friction between the sheet and the walking floor, thereby preventing unrestricted movement of the headboard while waste is being compacted against the headboard. When waste is ejected, forces applied by the walking floor on the waste-laden sheet pull the sheet and, thus, the headboard from adjacent the front of the trailer toward the rear of the trailer. Anderson, Hamilton and Fors, individually and/or in combination, are not capable of providing such functionality.

Accordingly, in view of the arguments presented with respect to Claim 1 and/or that presented with respect to Claim 3, the Applicant submits that Claim 3 is allowable and respectfully requests the Office to withdraw the rejection to Claim 3.



PATENT

CONCLUSION

The Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for reasons clearly apparent, the Applicant respectfully requests full allowance of all pending claims. If there are any matters that can be discussed by telephone to further the prosecution of the Application, the Applicant invites the Examiner to contact the undersigned at 512-372-8240 at the Examiner's convenience.

Respectfully Submitted,
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